

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

ChannelBind International Corp.

v.

Case No. 05-cv-251-PB

Primaknit, Inc., et al.

ORDER

Re: Document No. 4, Motion to Dismiss for Lack of
Subject Matter and Personal Jurisdiction

Ruling: Defendants argue that the court lacks diversity jurisdiction because the plaintiff and both defendants are citizens of South Carolina. Plaintiff alleges in its complaint that it is a New Hampshire corporation with a New Hampshire address and a place of business in South Carolina. Defendants charge in their motion to dismiss that plaintiff's principal place of business is in South Carolina. Plaintiff responds with a general denial and claims that: (1) its patents are not located in South Carolina; (2) more than 50% of its net income is derived from international business; and (3) its supplier for international sales is located in Taiwan. It has failed, however, to identify a place other than its South Carolina facility as its principal place of business. Such allegations are insufficient to rebut defendants' contention that plaintiff's principal place of business is in South Carolina. Motion granted.

/s/ Paul Barbadoro
Paul Barbadoro
District Judge

Date: October 3, 2005

cc: Timothy Sheedy, Esq.
James F. Laboe, Esq.